

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 15032US02

PATENT

In the Application of:

Jeyhan Karaoguz, et al.

Serial No.: 10/672,648

Filed: September 26, 2003

For: THIRD-PARTY ACCESS AND
CONTROL OF MEDIA
PERIPHERALS ON A MEDIA
EXCHANGE NETWORK

Examiner: BATES, KEVIN T.

Group Art Unit: 2155

Confirmation No.: 8226

Electronically Filed on November 16, 2007

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

Date: November 16, 2007

By: /Joseph M. Butscher/

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Attorney for Applicants

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REMARKS

The present application includes pending claims 1-14 and 36-49, all of which have been rejected. Claims 1, 4-5, 7, 9, 12, 14, 36, 39-40, 42, 44, 47 and 49 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 7,237,029 ("Hino"). Claims 2-3, 8, 37-38 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of U.S. 2004/0003051 ("Krz"). Claims 24 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of U.S. 6,363,434 ("Eytchison"). Claims 10 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of U.S. 6,580,149 ("Park"). Claims 13 and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of U.S. 6,510,212 ("Ito"). Claims 11 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of U.S. 6,665,384 ("Daum").

As shown above, Hino forms the basis for all of the claim rejections. Hino does not, however, anticipate claims 1, 4-5, 7, 9, 12, 14, 36, 39-40, 42, 44, 47 and 49. See October 22, 2007 Response at pages 8-12. Hino does not describe, teach or suggest "automatically establishing a communication link between the first system and the at least one media peripheral," nor "automatically determining authorization of the performance of the selected operation," as recited, for example, in claim 1. See *id.*

The Applicants have demonstrated that the portions of Hino that the Office Action relies on to show "automatically establishing a communication link between the first system and the at least one media peripheral" does not describe, teach or suggest this limitation. See *id.* at pages 9-12. Thus, for at least this reason, the Office Action has failed to establish a *prima facie* case of anticipation with respect to the pending claims.

The Applicants have also demonstrated that the portion of Hino that the Office Action relies on as disclosing "automatically determining authorization of the performance of the selected operation" does not describe, teach or suggest this limitation. See *id.* at page 10. Thus, for at least this reason, the Office Action has failed to establish a *prima facie* case of anticipation with respect to the pending claims.

Moreover, the portions of Hino that the Office Action cites in an attempt to bolster its argument do not describe, teach or suggest the relevant limitations. See *id.* at pages

10-12. Indeed, the portions of Hino relied on by the Office Action disclose "active input" by a user, which teaches away from **automatic** implementation. *See id.* at pages 10-12.

Overall, the Office Action does not cite, nor does Hino disclose, anything that describes, teaches or suggests "automatically establishing a **communication link** between a first system and the at least one media peripheral," nor "automatically determining authorization of the performance of the selected operation," as recited in claim 1. *See id.* at pages 8-12. For at least these reasons, the Office Action has not established a *prima facie* case of anticipation with respect to independent claims 1 and 36, or any of the claims that depend therefrom.

Further, the proposed combinations of Hino and other references do not render claims 2-3, 8, 10, 11, 13, 24, 37-38, 40, 43, 45, 46 and 48 unpatentable for at least the reasons discussed with respect to Hino. *See id.* at page 12.

The Applicants respectfully submit that a *prima facie* case of anticipation and/or obviousness has not been established with respect to any of the pending claims for at least the reasons discussed above and request reconsideration of the claim rejections.

The Commissioner is authorized to charge any necessary fees, including the \$510 fee for the Notice of Appeal, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: November 16, 2007

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